



State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY  
WET 2002-17**

May 28, 2002

Mr. Robert M. Boyan, Administrator  
Suissevale Property Owners Association  
PO Box 113  
Moultonborough, NH 03254

RE DES Wetlands File #2002-00279 Castle Shore Road, Moultonborough

Dear Mr. Boyan

On May 17, 2002, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Moultonborough Tax Map 87 as Lot 17 (the "Property"). The purpose of the inspection was related to permit application # 2002-279 and to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-700.

During the inspection and further file review the following was found:

- On February 14, 2002, DES received an application for beach replenishment for the above referenced property.
2. On February 14, 2002, DES requested in particular:
  - a. A detailed plan indicating the volume of sand and the footprint with dimensions of the area it will be placed; and
  - b. DES would not permit placement of sand below normal high water line; and
  - c. Photos – not taken in the winter
3. On February 26, 2002, DES issued a notice stating the project was being reclassified as a major impact per Rule Wt. 303.04(d). The notice further stated that sand was presently stockpiled on the beach and the application would be further handled as an after-the-fact.
4. On March 4, 2002, DES received the requested items from the February 14, 2002 letter, as referenced above in item #2.
5. On May 17, 2002, DES personnel conducted a site inspection of the above referenced property and found the sand had been spread over the beach area and below the normal high water mark (5045.32 feet above seas-level) as measured for Lake Winnepesaukee. It was further noted that considerable erosion had taken place along the beachfront.

In response, you are requested to take the following actions:

1. Within 30 days of receipt of this Letter of Deficiency, submit a restoration plan to DES for review and approval. Have the restoration plan prepared by a professional engineer or

environmental consultant, and include provisions for removal of sand located below normal high water and perching of the beach area on the Property. Submit the following with the restoration plan:

- a. A plan with dimensions, drawn to scale, showing:
    1. Existing conditions, with lake elevation at normal high water as measured for Lake Winnepesaukee (504.32); and
    2. Proposed conditions after reestablishing the jurisdictional areas;
  - b. A detailed description of the proposed means of erosion control (turbidity curtains, silt fence, hay bales, etc) and stabilization of the restoration area;
  - c. A detailed description of the proposed construction sequence and methods for accomplishing restoration of the beach area and anticipated restoration compliance date.
2. Retain a qualified professional engineer or environmental consultant to supervise the implementation of the restoration plan and to submit the restoration progress report.
  3. Implement the restoration plan only after receiving written approval and as conditioned by DES.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Jeffrey Blecharczyk, Shoreline Investigator  
Wetlands Bureau  
Department of Environmental Services  
6 Hazen Drive  
PO Box 95  
Concord, NH 03302-0095

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Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 271-2147.

Sincerely,

**COPY**

Mary Ann Tilton  
Senior Enforcement Officer  
Wetlands Bureau

CERTIFIED MAIL: 7099 3400 0003 0688 9989

cc: Rene Pelletier, Manager, Land Resources Management Program

Gretchen Rule, Administrator, DES Legal Unit

Mark Harbaugh, DES Enforcement Attorney  
Moultonborough Conservation Commission  
Moultonborough Board of Selectmen  
David Killoy, USACOE  
File # 2002-00279